

REMARKS:

The previous claims have been cancelled and replaced by new Claims 24 to 29 which are directed to a method of illumination (for a greenhouse).

All of the claims have been amended where necessary to provide minor corrections for reasons of clarity, consistency of language and antecedents to overcome the points raised by the Examiner in the objections and the Rejections under 35 U.S.C.112. Additional corrections have been made as noted during the preparation of this response so as to present the claims using method features.

Claim 24 has been amended to more clearly point out the invention and to distinguish the invention from the prior art cited by the Examiner.

Claim 24 includes the following features of distinction from the prior art:

- a) the parabolic reflectors are arranged such that they define a cross section which is constant along the axis as opposed to the circular type bowls of Armstrong, Fogg and Henderson.
- b) the invention now includes the specific method step of providing a lighting direction of the intermediate rails which is downward;
- c) the invention now includes the specific method step of providing a fixed lighting direction of the side rails which is inclined inwardly.

In regard to the adjustment of the lighting fixtures, the Examiner has cited the arrangement of Armstrong. Armstrong shows an arrangement in which the lighting fixture is tilted back and forth by a low speed motor so as to spread the light more widely. The Examiner takes the position that this is an adjustment which can be set at a particular location.

However this is not an adjustment but is instead a constant movement. The Examiner refers to the momentary halting of the movement at an end position. However this does not provide the specific method step of:

providing a fixed pattern of illumination from the lighting fixtures mounted on said second side rail by locating the lighting fixtures thereof in fixed position thereon such that the center line of the parabolic reflector is located upwardly and outwardly of the parabolic axis toward the second side wall so that the lighting direction is maintained at a fixed direction angled downwardly and inwardly away from the second side.

Clearly the pattern of illumination is in no real sense "fixed" since it is continuously varying.

In addition even if one were to take the extreme position that the position is "momentarily fixed" then it is still clear that Armstrong does not disclose a situation where intermediate one or ones of the lighting fixtures are directed downwardly while end ones are directed inwardly away from the side.

This must be so in that ALL the lighting members are constantly moving and there is no disclosure that they are anything other than in phase. Thus if the end ones at the side raise stop (momentarily) at the inclined position then the intermediate ones will be IN THE SAME INCLINED POSITION. In Armstrong the intention is that the lighting will move back and forth in a continual basis.

The Examiner has also cited Fogg, but this merely discloses lights on rails. It does not disclose the particular adjustment of the angle as set forth. Fogg does not therefore overcome the deficiencies of Armstrong in this regard.

The arrangement of the present invention has been developed after considerable investigation to provide a constant light pattern over the area of all of the benches. In this

regard it will be appreciated that it is highly desirable that all of the plants on all of the benches see the same intensity. It will also be appreciated that the light patterns of the light fixtures overlap to avoid dark spaces between the light patterns. Also it is highly desirable to ensure that the light is used efficiently without illumination to areas which do not contain plants.

Armstrong attempts to overcome these problems by the continuous movement of bowl-type light mountings. The present invention uses an entirely different arrangement in which the mountings are of the type having a constant longitudinal cross section defining a parabolic axis along the light and the mountings are fixed and oriented in the specifically defined manner to provide the constant fixed illumination in the specified manner. None of the other prior art documents is relevant to this issue and none overcomes the deficiencies of Armstrong in this regard.

It is submitted therefore that Claim 24 is distinguished from the prior art and should therefore be allowed.

Respectfully submitted

DAVID BRAULT ET AL

PER: 

Adrian D. Battison
Registration No: 31,726

ADB/II
March 13, 2006
Adrian D. Battison

Winnipeg, Manitoba, Canada
Telephone (204) 944-0032 - FAX (204) 942-5723

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300, on March 13, 2006

LYNN LEATHERDALE

